



United States Department of the Interior

FISH AND WILDLIFE SERVICE
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March 18, 2005
File No. 1-5-05-SP-439

Ms. Robin Sweeney
Nevada Transportation Project Manager
Department of Energy
Washington, DC 20585

Dear Ms. Sweeney:

Subject: Species List for U.S. Department of Energy Rail Line from near Caliente, Lincoln County, Nevada to Yucca Mountain, Nye County, Nevada

This is in response to your letter received on February 15, 2005, regarding the U.S. Department of Energy Caliente to Yucca Mountain rail line, Lincoln, Nye, and Esmerelda counties, Nevada. The following federally listed species may occur in or near the vicinity of the subject project area:

- Desert tortoise (*Gopherus agassizii*) (Mojave population), threatened
- Southwestern willow flycatcher (*Empidonax traillii extimus*), endangered
- yellow-billed cuckoo (*Coccyzus americanus*), candidate

This list fulfills the requirement of the Fish and Wildlife Service (Service) to provide information on listed species pursuant to section 7(c) of the Endangered Species Act of 1973, as amended (Act), for projects that are authorized, funded, or carried out by a Federal agency.

Based on the information provided in your correspondence, the proposed project is within the range of the threatened desert tortoise (*Gopherus agassizii*). However, designated critical habitat for the desert tortoise does not occur within the proposed project area.

The Nevada Fish and Wildlife Office no longer provides species of concern lists. Most of these species for which we have concern, are also on the sensitive species list for Nevada maintained by the State of Nevada's Natural Heritage Program (Heritage). Instead of maintaining our own list, we are adopting Heritage's sensitive species list and partnering with them to provide distribution data and information on the conservation needs for sensitive species to agencies or project proponents. The mission of Heritage is to continually evaluate the conservation priorities of native plants, animals, and their habitats, particularly those most vulnerable to extinction or

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are in serious decline. Consideration of these sensitive species and exploring management alternatives early in the planning process can provide long-term conservation benefits and avoid future conflicts.

For a list of sensitive species by county, visit Heritage's website at www.heritage.nv.gov. For a specific list of sensitive species that may occur in the project area, you can obtain a data request form from the website or by contacting Heritage at 1550 East College Parkway, Suite 137, Carson City, NV 89706, 775-687-4245. Please indicate on the form that your request is being obtained as part of your coordination with the Service under the Endangered Species Act. During your project analysis, if you obtain new information or data for any Nevada sensitive species, we request that you provide the information to Heritage at the above address.

We are particularly concerned with the effects of the proposed project on the Meadow Valley Wash and associated tributaries. The Meadow Valley Wash is one of the only remaining riparian areas in southern Nevada that continues to support native vegetation. This riparian area is well known for its outstanding diversity of neotropical migratory birds, including the southwestern willow flycatcher. Previous surveys of the Meadow Valley Wash area have detected nesting flycatchers, and suitable habitat for this species is known to exist through the length of the wash from the city of Caliente in Lincoln County south to at least Clark County. Furthermore, the Meadow Valley Wash desert sucker (*Catostomus clarki* ssp.) and the Meadow Valley Wash speckled dace (*Rhinichthys osculus* ssp.), two undescribed subspecies that may only occur in Meadow Valley Wash, may also be negatively impacted by the proposed activities. We recommend you consider the potential effects on these species during the environmental documentation process, and consider alternatives to the proposed project that would avoid or minimize, to the maximum extent practicable, any adverse effects to these species.

Based on the Service's conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703 et seq.), we are concerned about potential impacts the proposed project may have on migratory birds in the project area. Direct impacts to migratory birds on project lands and indirect impacts to migratory birds on adjacent areas should be considered during project evaluation.


Also, we are concerned that the proposed project may impact plant species listed as sensitive under the Heritage Program. These species may also be listed as critically endangered by the State of Nevada under Nevada Revised Statutes (NRS) 527.260-300. For these species, no member of its kind may be removed or destroyed at any time by any means except under special permit issued by the State Forester (NRS 527.270). It should be noted that many of the plant species on the State's critically endangered list are not federally listed by the Service because of the protection afforded to them under the State law. Consideration of these species during project impact evaluation and planning, as well as early coordination with the State is important to assist with species conservation efforts and to prevent the need for Federal listing actions in the future.

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Please reference File No. 1-5-05-SP-439 in future correspondence concerning this species list. If you have any questions regarding this correspondence or require additional information, please contact Shawn Goodchild in our Southern Nevada Field Office at (702) 515-5230.

Sincerely,

A handwritten signature in black ink, appearing to read "R. D. Williams". The signature is fluid and cursive, with a large initial "R" and "D".

Robert D. Williams
Field Supervisor